

HCS SS SCS SB 298 -- LIQUOR SALES

SPONSOR: Griesheimer (Johnson, 47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 13 to 3.

This substitute makes technical changes to the liquor sales laws. The substitute also:

(1) Removes the requirement that written consent be obtained before a license to sell liquor within 100 feet of a school or church will be granted but allows the local municipality to deny a license for the sale of liquor within 300 feet of a school or church (Section 311.080, RSMo);

(2) Changes the time of opening from 11:00 a.m. to 9:00 a.m. for the sale of packaged liquor at retail and the sale of liquor on Sundays in restaurant bars, amusement places, and places of entertainment. The time of opening for restaurant bars located in a sports stadium in Jackson County is changed from 11:00 a.m. to 8:00 a.m. Sunday sales are also expanded to cover a business having at least 30 rooms for transient guests. Businesses having over 30 rooms are also excluded from license limits requirements (Sections 311.097, 311.098, 311.102, 311.293, and 311.260);

(3) Prohibits a licensed microbrewer from having more than 10 liquor licenses. The substitute also exempts a microbrewer who is licensed to sell intoxicating liquor by the drink at retail from state law requiring all liquor purchases to be made from a licensed wholesaler when selling liquor that is produced on the premises. For all other liquor sold by the drink at retail for consumption on the premises, the microbrewer must comply with state law requiring purchase by a licensed wholesaler (Section 311.195);

(4) Allows persons licensed to sell malt liquor at retail by the drink to also sell 3.2% beer by the drink. The fee for the license is \$25. Any person licensed to sell malt liquor or 3.2% beer at retail may sell between the hours of 9:00 a.m. and midnight on Sundays (Section 311.200);

(5) Prohibits retailers of alcohol from selling alcohol in mutilated, torn, or cut cartons. Retailers may not repackage liquor in a manner misleading to the consumer or that results in required labeling being omitted or obscured (Section 311.280);

(6) Creates a rebuttable presumption that the contents of a manufacturer-sealed container that is labeled as containing alcohol or intoxicating beer does contain the listed contents.

The presumption currently exists only for the sale of liquor to minors (Sections 311.325 and 312.407);

(7) Requires the purchaser of liquor to provide upon demand by a liquor retailer a valid and unexpired driver's license from any state or a passport. Under current law, an expired license or passport may be used to purchase liquor (Section 311.328);

(8) Repeals the section of law requiring the seller of malt liquor to label the malt liquor container with the name and location of the manufacturer (Section 311.360);

(9) Repeals provisions of current law that allow savings and loan association and credit unions to sell intoxicating liquor they have repossessed as collateral (Section 311.401);

(10) Changes the name of the Division of Liquor Control to the Division of Alcohol and Tobacco Control (Section 311.615);

(11) Allows liquor control officers to enforce state laws related to tobacco products (Section 311.630); and

(12) Requires a liquor retailer to attach a label to each keg that is sold for off-premise consumption. The purchaser of the keg is required to present positive identification, and the retailer must keep records regarding the identification of the keg and purchaser. The purchaser must also sign a statement acknowledging that the misuse of the keg or its contents may result in civil liability, criminal prosecution, or both. The retailer must keep the registration records for three months. The retailer may not refund a keg deposit unless the label is attached to the keg when returned. The provisions of law regarding keg registration become effective on July 1, 2004.

FISCAL NOTE: Estimated Net Cost to the General Revenue Fund of \$0 in FY 2004, \$51,500 in FY 2005, and \$53,045 in FY 2006.

PROPOSERS: Supporters say that the courts have declared several liquor statutes unconstitutional and unenforceable. These statutes need to be updated. Many retailers and stadiums would like to be able to sell beer at 9:00 a.m. Currently, the river front area of St. Louis can already sell beer at 9:00 a.m. The proposed new liquor license would encourage 3.2% retailers to obtain a 5% beer license. There are only 184 3.2% retailers, and it is difficult to maintain quality control. The substitute also puts adult cabarets under the control of the Division of Liquor Control. Persons under the age of 21 would be prohibited from dancing in cabarets. Young girls in high school are dancing at cabarets and being exploited by the cabarets.

Testifying for the bill were Senators Griesheimer and Steelman; Missouri Restaurant Association; Missouri Retailers Association; Missouri Grocers' Association; Missouri Hotel and Motel Association; Kansas City Chiefs; Missouri Petroleum Marketers Association; and Missouri Beer Wholesalers Association.

OPPONENTS: There was no opposition voiced to the committee.

Other witnesses testifying on the bill was Division of Liquor Control.

Steve Bauer, Legislative Analyst